

90th Legislative Session – 2015

Committee: Senate Judiciary

Thursday, March 05, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Heinert
P Monroe
P Rusch
P Vehle
P Novstrup (David), Vice-Chair
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, MARCH 3, 2015

Moved by: Vehle
Second by: Novstrup (David)
Action: Prevailed by voice vote.

MOTION: SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT OF TREVOR JONES OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY

Proponents: Matt Konenkamp, Governor's Office
 Paul Bachand, self
 Richard Tieszen, South Dakota Sheriff's Association
 Trevor Jones, Secretary, Department of Public Safety

Moved by: Novstrup (David)
Second by: Monroe
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Monroe, Rusch, Vehle, Novstrup (David), Tieszen

Excused: Bradford, Heinert

MOTION: PLACE ON CONSENT CALENDAR

Moved by: Novstrup (David)

Second by: Vehle

Action: Prevailed by voice vote.

MOTION: SENATE ADVISE AND CONSENT TO THE REAPPOINTMENT OF DENNIS KAEMINGK OF DAVISON COUNTY, MITCHELL, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF CORRECTIONS

Proponents: Jim Seward, Governor's Office

Moved by: Vehle

Second by: Rusch

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Heinert, Monroe, Rusch, Vehle, Novstrup (David), Tieszen

Excused: Bradford

MOTION: PLACE ON CONSENT CALENDAR

Moved by: Novstrup (David)

Second by: Vehle

Action: Prevailed by voice vote.

HB 1215: provide for an optional enhanced permit to carry a concealed pistol.

Presented by: Representative Thomas Brunner

Proponents: Richard Tieszen, South Dakota Sheriff's Association/self
Marty Jackley, Attorney General
Dana Svendsen, Department of Public Safety

MOTION: DO PASS HB 1215

Moved by: Heinert

Second by: Novstrup (David)

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Heinert, Monroe, Rusch, Vehle, Novstrup (David), Tieszen

HJR 1002: making a formal application to the President of the United States, that the President grant a presidential pardon to Peter L. Larson.

Presented by: Representative Mike Verchio

Proponents: Representative Peggy Gibson

MOTION: DO PASS HJR 1002

Moved by: Monroe

Second by: Bradford

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Heinert, Monroe, Rusch, Vehle, Novstrup (David), Tieszen

HB 1231: authorize the forfeiture of any financial benefit or valuables gained from prostitution or pimping.

Presented by: Representative Paula Hawks

Proponents: Paul Bachand, South Dakota State's Attorneys Association

MOTION: DO PASS HB 1231

Moved by: Rusch

Second by: Novstrup (David)

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Bradford, Heinert, Monroe, Rusch, Vehle, Novstrup (David)

Voting No: Tieszen

MOTION: AMEND TITLE OF HB 1231

1231rta

On page 1, line 2, of the House engrossed bill, delete "prostitution or".

Moved by: Heinert

Second by: Novstrup (David)

Action: Prevailed by voice vote.

Short Recess

HB 1140: increase the crimes and lookback period to enhance the penalty for violating a protection order.

Presented by: Senator Angie Buhl O'Donnell
Representative Peggy Gibson

Proponents: Kimberly Zachrison, self, Huron
Paul Bachand, South Dakota State's Attorneys Association
Jeremy Pankratz, Office of Attorney General

MOTION: AMEND HB 1140

1140rb

On the House Judiciary Committee engrossed bill, delete all amendments, thus restoring the bill to the printed version.

Moved by: Heinert
Second by: Vehle
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1140 AS AMENDED

Moved by: Vehle
Second by: Monroe
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Heinert, Monroe, Rusch, Vehle, Novstrup (David), Tieszen

HB 1143: increase the criminal violations that are subject to protection orders.

Presented by: Senator Angie Buhl O'Donnell
Representative Peggy Gibson

Proponents: Kimberly Zachrison, self, Huron
Paul Bachand, South Dakota State's Attorneys Association
Jeremy Pankratz, Office of Attorney General

MOTION: DO PASS HB 1143

Moved by: Monroe

Second by: Bradford
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Heinert, Monroe, Rusch, Vehle, Novstrup (David), Tieszen

MOTION: PLACE HB 1143 ON CONSENT CALENDAR

Moved by: Norstrup
Second by: Heinert
Action: Prevailed by voice vote.

HB 1225: prohibit the unauthorized commercial use of a personality's right of publicity and provide a civil remedy therefor.

Presented by: Senator Jim Bradford
Representative Elizabeth May

Proponents: Mike Shaw, Motion Picture Association Of America Inc
Melissa Patack, Motion Picture Association of America Inc

Opponents: Jim Putnam, National Basketball Players Association/NFL Players Association/
NHL Players Association/Major League Baseball Players Association
(Handouts: #1)
Steve Glaze, National Basketball Players Association/ NFL Players Association/
NHL Players Association/ Major League Baseball Players Association
Kevin Goering, National Basketball Players Association/NFL Players Association/
NHL Players Association/Major League Baseball Players Association
(Handouts: #2)

Rebuttal: Representative Timothy Johns

MOTION: DO PASS HB 1225

Moved by: Bradford
Second by: Heinert
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1225 TO THE 41ST LEGISLATIVE DAY

Moved by: Vehle
Second by: Novstrup (David)
Action: Failed by roll call vote. (3-4-0-0)

Voting Yes: Vehle, Novstrup (David), Tieszen

Voting No: Bradford, Heinert, Monroe, Rusch

ORIGINAL MOTION: DO PASS HB 1225

Moved by: Bradford

Second by: Heinert

Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Bradford, Heinert, Monroe, Rusch

Voting No: Vehle, Novstrup (David), Tieszen

MOTION: ADJOURN

Moved by: Heinert

Second by: Vehle

Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Craig Tieszen, Chair